IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 10024 of 2005

Between:

M. Sambaiah, S/o. Kotaiah,
Veeranayakunipalem Village,Chebrolu Mandal, Guntur District.

..... PETITIONER

AND

1 The Joint Collector, Guntur.
2 The Revenue Divisional Officer, Tenali,
3 The Mandal Revenue Officer, Chebrolu, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction, more particularly one in the nature of Mandamus, declaring the initiating of proceedings in Rc.No.423/2005-K, under the provisions of the A.P. State Public Distribution System Control Order, 2001, and the order of suspension dt. 15.4.2005 as illegal, violative of the principles of natural justice and without jurisdiction and consequently set aside the same and direct the respondents to permit the petitioner to function as fair prince shop dealer for veeranayakunipalem village, Chebrolu Mandal, Guntur District and to pass such other order or orders.

Counsel for the Petitioner: MR.P.ROY REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Petitioner is a fair price shop dealer. It is his grievance that the second respondent by his orders dated 15-4-2005, suspended his very authorization on certain alleged irregularities, without giving him due opportunity and as against the said order of suspension, he preferred an appeal before the first respondent and it is pending.

Learned counsel for the petitioner submitted that in pursuance of the show cause notice issued, the petitioner requested the competent authority to give 15 days time to submit his explanation, but the second respondent, without giving reasonable time to the petitioner to submit his explanation, suspended his authorization.

However, having regard to the fact that since the petitioner had already preferred an appeal against the order of suspension, nothing survives in this writ petition.

Therefore, the writ petition is disposed of at the stage of admission, with a direction to the first respondent to dispose of the appeal preferred by the petitioner, as expeditiously as possible, preferably within four weeks from the date of receipt of a copy of this order. No order as to costs.

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kvsn 28-04-2005

To

1 The Joint Collector, Guntur.

2 The Revenue Divisional Officer, Tenali,

3 The Mandal Revenue Officer, Chebrolu, Guntur District.

4 Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.

5 Two CD copies.